

QUESTIONS FOR JUDGES TO ASK REGARDING INFANTS, TODDLERS, AND PRESCHOOL-AGED CHILDREN

- If the child is not attending child care, what is the home environment like for the child? How interactive is the caregiver with the child? What social and educational opportunities are provided to the child?
 - NOTE: Some caregivers may request to keep very young children at home and not enroll them in child care. Based on the individual needs of the child, and the parenting capacity of the caregivers, having the child remain in the home may be a good option. In such cases, it is important to know whether the child has a loving, stimulating home environment.
- When was the child's last developmental screen? What did it show? What is being done to address any concerns noted in the screen? Is the caregiver and/or biological parent aware of the results of the screen? If the child is not in child care, how is his/her development being monitored?
 - NOTE: School Readiness providers must screen children's development within 45 days of enrollment into the program and at least once a year thereafter to identify a child who may need individualized supports. §. 1002.88(1)(h); F. A. C. 6M-4.720(2)(f). Some School Readiness programs screen more frequently. Other programs serving our children, like Head Start and Early Head Start, will also conduct periodic developmental screens. These screens will indicate whether a child is behind on his/her developmental milestones and can therefore indicate whether there is a need for services to remedy that delay. Commonly used screens include the Ages and Stages Questionnaire (ASQ), Ages and Stages Questionnaire-Social Emotional (ASQ-SE), and Battelle Developmental Inventory (BDI).
- Did the child receive a Comprehensive Behavioral Health Assessment (CBHA)? Were all recommendations followed?

NOTE: Children birth through 17 years old who enter out-of-home care and are Medicaid-eligible should receive a CBHA. DCF Operating Procedure 175-40(2-5)(2010) requires a CBHA referral within 7 days of shelter and for the evaluation to be completed within 24 days of that referral. This in-depth evaluation provides the first opportunity to learn about a young child's developmental, mental health, or medical issues. Each CBHA ends with a series of recommendations for the child. DCF is responsible for reviewing and considering those recommended services for the child. F. A. C. 65C-28.014.
- Is the child attending a NAEYC Gold Seal Accredited provider or provider participating in a local quality rating system? If not, why not? Is availability or cost a concern?
 - NOTE: Gold Seal Accredited providers and those providers participating in local quality ratings systems have to meet standards that are higher than basic licensing requirements. Ask your county's local Early Learning Coalition if it has a quality rating system, and how it works.

➤ Has the child care center had a Class One Violation?

- NOTE: A Class One Violation means “a violation that is the most serious in nature, poses an imminent threat to a child including abuse or neglect and which could or does result in the death or serious harm to the health, safety, or well-being of a child.” F. A. C. 65C-22.010(1)(d)(1).

(Violations only apply to programs regulated by DCF; not all child care settings are monitored by DCF.)

➤ If the child is attending a child care setting, did you confirm with the child care provider that he/she is attending five days a week?

- NOTE: The Rilya Wilson Act requires that children in dependency court who are enrolled in a child care program attend five days a week unless there is a court order excusing them from this attendance. § 39.604(2).

➤ Has case management and/or the GAL spoken with the child care provider recently? If so, do they have any concerns for the child? If there are concerns, what is in place to address those concerns?

- NOTE: A young child in dependency court may spend eight hours a day, five days a week in a child care setting - most of their waking day. As a result, child care providers and teachers typically have important information and insights on young children in dependency court. Case managers and GALs should consult with child care providers and teachers regarding child functioning and whether services are needed.

➤ Does this child need any additional early education services to ensure he/she is on track? If so, has a referral for services been made to Early Steps or some other agency? Are services in place?

- NOTE: It is best to remedy any delays as early as possible and DCF should be ordered to provide any needed early education services as soon as possible. Several federal laws require assessment and treatment of young, at-risk children (i.e. the Child Abuse Prevention and Treatment Act [42 U.S.C.A. s. 5106(a)(1),(5)(2010)]; the Early Periodic Screening, Development, and Testing portion of Medicaid; and the Individuals with Disabilities Education Act). Additionally, Chapter 39 directs that children have “full risk, health, educational, medical, and psychological screening” and that they “be referred to and receive services, including necessary medical, emotional, psychological, psychiatric, and educational evaluations, and treatment, as soon as practicable after identification of the need.” § 39.4085(6)-(7). There are likely several agencies in your community that can provide early intervention services for young children in dependency court (ex. Early Steps; the school district’s exceptional learner’s program; or School Readiness). Additionally, professionals who take Medicaid can be utilized for some services, like occupational or speech therapy.

➤ How many child care placements has the child had since entering care?

- Note: Child care providers may become important attachment figures for young children in dependency court. Just as we endeavor to avoid changing a young child's placement unnecessarily, so should we endeavor to avoid switching child care providers unless doing so is necessary or clearly in the best interest of the child.

**PROPOSED FINDINGS FOR JUDGES TO MAKE
REGARDING INFANTS, TODDLERS, AND PRESCHOOL-AGED CHILDREN**

- 1) The child is attending a child care setting:
 - ☐ Full-time and is confirmed by an attendance record to be attending five days a week.
 - ☐ Full-time and is not confirmed by an attendance record to be attending five days a week. The Department shall file proof of attendance within 30 days.
 - ☐ Part-time and there is a court order finding that part-time attendance is in the child's best interest.
 - ☐ Part-time and there is not a court order finding that part-time attendance is in the child's best interest. The Department shall seek such an order within 30 days.
 - ☐ Not at all and the court finds that not attending child care is in the child's best interest.
 - ☐ Not at all and the court finds that not attending child care is against the best interest of the child. The Department shall ensure the child is enrolled in a quality child care setting.
- 2) The child care provider:
 - ☐ Is NAEYC or Gold Seal Accredited or part of the local quality rating system.
 - ☐ Has no concerning licensing history with DCF.
 - ☐ Has no indicators of a quality program. The case manager should work with the caregiver to educate them about higher quality alternatives.
- 3) The child has had _____ child care placements since entering care.
 - ☐ It is not in the child's best interest to move child care placements again.
- 4) The child's development:
 - ☐ Was recently screened and he/she is on-level in all areas.
 - ☐ Was recently screened and there is a slight delay in the following area(s) which should be monitored:
_____.
 - ☐ Was recently screened and he/she is at-risk in the following area(s):
_____. All needed services are in place.
 - ☐ Was recently screened and he/she is at-risk in the following area(s):
_____. All needed services are not in place. The Department shall implement the following within 30 days:
_____.
 - ☐ Was not recently screened and the Department shall ensure a screen is completed within 30 days.

5) The child's CBHA:

- ☐ Was completed and all recommendations have been followed.
- ☐ Was completed and the Department needs to address the following recommendations:

_____.

- ☐ Was not completed and the Department shall ensure a CBHA is completed within 30 days.

6) Based on the testimony regarding the child, the court orders the following additional services: